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09/921,007	08/02/2001	Hoo Siong Chow	U 013577-4	5830
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INTELLECTUAL PROPERTY LAW GROUP LLP			LEVINE, ADAM L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	*
7 055 - A-45 - S.	09/921,007	CHOW, HOO SIONG	
Office Action Summary	Examiner	Art Unit	
	Adam Levine	3625	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with th	e correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply b within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS to cause the application to become ABAND	the timely filed I days will be considered timely. If on the mailing date of this communication. ONED (35 U.S.C. § 133).	
Status			
Responsive to communication(s) filed on 2a) ☐ This action is FINAL. 2b) ☒ This 3) ☐ Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters,	•	
Disposition of Claims			
4) ☐ Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-26 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or Application Papers 9) ☐ The specification is objected to by the Examine	vn from consideration. r election requirement. r.	ha Evaminar	
10) The drawing(s) filed on is/are: a) access and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the contract of the contract and the contract and the contract of the contr	ion is required if the drawing(s) is	See 37 CFR 1.85(a). s objected to. See 37 CFR 1.121(d)	
Priority under 35 U.S.C. § 119		,	
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list.	s have been received. s have been received in Appli rity documents have been rec u (PCT Rule 17.2(a)).	cation No eived in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summ Paper No(s)/Ma 5) Notice of Inform 6) Other:		

DETAILED ACTION

It is noted that Application 09/921,007 was filed on August 2, 2001 with 26 claims. A Preliminary Amendment was filed on August 31, 2001, including amended versions of Claims 3, 6, 8, 10 through 17, and 21 through 26. These amended claims will be examined, along with original Claims 1, 2, 4, 5, 7, 9, and 18 through 20. A marked up copy of the same amended claims was received on October 9, 2001.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

Receipt is acknowledged of a certified copy of the 200004130-1 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT.

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See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

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Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16 and 25 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while enabling reading data from the portable data storage media (or medium) does not reasonably provide enablement for changing the data on the portable data storage medium, writing to the portable data storage medium, or updating the data on the portable data storage medium. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use or practice the invention commensurate in scope with these claims. The specification includes a "reader," a device for reading data from the portable data storage medium, but does not include a device for writing to or changing the data on the portable data storage medium.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 7, 9, 10, 11, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said apparatus." There is insufficient antecedent basis for this limitation in the claim. If "said apparatus" refers to the system described in Claim 1 the terminology should be consistent. It is unclear whether "said apparatus" refers to the entire system described in Claim 1 or only to certain elements.

Claim 7 recites the limitation "said operator terminal." There is insufficient antecedent basis for this limitation in the claim. Claim 7 depends from Claim 6. Claim 6 depends from Claim 1. The operator terminal is introduced in Claim 5. It is therefore not clear what elements are intended to be included within the invention of Claim 7.

Claim 9 recites the limitation "said at least one operator terminal." There is insufficient antecedent basis for this limitation in the claim. Claim 9 depends from Claim 6. Claim 6 depends from Claim 1. The operator terminal is introduced in Claim 5. It is therefore not clear what elements are intended to be included within the invention of Claim 9.

Claim 10 recites, "An ordering and collection facilitation system according to claim 1, further comprising means for communicating with a supplier terminal an order for new supplies, said order being based on the items selected by users in a predetermined period of time."

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the server of Claim 6. Every communication with the supplier terminal that is discussed in the specification occurs by way of a modem or other communication means located between the supplier terminal and a server. This server will be read into the claim for examination purposes.

Claim 11 recites the limitation "said server." There is insufficient antecedent basis for this limitation in the claim. Claim 11 depends from Claim 10. Claim 10 depends from Claim 1. A server is introduced in Claim 6. It is therefore not clear what elements are intended to be included within the invention of Claim 11. The server will be read into the claim for examination purposes.

Claim 19 recites the limitation "said at least one selected food item" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim. Claim 19 depends from Claim 18. The items of Claim 18 are not food items.

Applicant is advised that should Claim 19 be amended and found allowable while retaining the limitation "at least one selected food item," Claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). This will occur if proper antecedent basis is provided for the "said at least one selected food item" of Claim 19.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 through 4, 6, 8, 10, 11, 13 through 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (US Pat. No. 5,664,110).

Regarding Claim 1, Green discloses an ordering and collection facilitation system comprising: a database storing information including an identification of each of a plurality of items available for order and a value corresponding to a respective order therefore at column 2 lines 57 through 62, column 3 lines 39 through 63, and column 14 lines 56 through 58.

Green discloses a plurality of portable data storage media at column 4 lines 8 and 9, and column 5 lines 23 through 25.

Green discloses at least one user terminal including a viewer for viewing a menu of said items available for order, a selector for selecting at least one of said items to produce selection information, a reader for reading one of said portable data storage media and a data associator for associating the selection information with data read from said portable data storage medium. Green discloses these at column 2 lines 52 through 55, column 7 lines 33 to 35,

column 3 lines 5 through 7, column 4 lines 48 through 53, column 4 lines 4 through 9, column 6 lines 62 through 67, and column 14 line 45 through column 15 line 22.

Green discloses a database updator for updating the database with the selection information from said at least one user terminal associated with said data read from the data storage medium, so as to accumulate the selected quantity of each of said items and to store the accumulated quantity in said database at column 13 lines 28 to 35 and column 14 lines 5 through 15.

Green discloses a display for displaying the accumulated quantity and a display operable upon reading data from one of the portable data storage media to display the selection information associated therewith at column 4 lines 30 through 33, column 5 lines 12 to 14, and column 7 lines 13 to 15.

Regarding Claim 2, Green discloses an ordering and collection facilitation system according to claim 1, wherein said items are food items and said apparatus is for use in a canteen environment at column 3 lines 54 through 58, column 8 lines 58 through 62, and column 14 lines 20 through 40. Additionally, the specific type of items being handled by the system does not lend any functional quality to the overall invention and is therefore nonfunctional descriptive material that does not distinguish this invention over the same invention, even if the examples provided were directed toward different types of items and the different transactional environments associated with those items.

Regarding Claim 3, Green discloses an ordering and collection facilitation system according to claim 1, wherein said display for displaying the accumulated required quantity is

the same as the display for displaying the selection information at column 4 lines 30 through 33, column 5 lines 12 to 14, and column 7 lines 13 to 15 as well as the Figs. 3-10 referred to therein, and column 13 lines 50 through 57.

Regarding Claim 4, Green discloses an ordering and collection facilitation system according to claim 3, wherein said viewer is the same as said display at column 2 lines 53 through 55, column 7 lines 13 to 15 and 33 to 35 as well as the Figs. 3-10 referred to therein, and column 13 lines 50 through 57.

Regarding Claim 6, Green discloses an ordering and collection facilitation system according to claim 1, wherein said database is stored on a server connected to said at least one user terminal, said server being in at least one-way communication with said at least one user terminal and said system being such that said user terminal communicates to said server the selection information and associated information read from said data storage medium at column 2 lines 55 to 57, column 14 lines 5 through 11, and column 19 lines 29 to 31 (Green Claim 51).

Regarding Claim 8, Green discloses an ordering and collection facilitation system according to claim 6, wherein said at least one user terminal is in two-way communication with said server and said server further includes means for communicating to said at least one user terminal an identification of each of a plurality of items available so that said user terminal can display on the viewer the menu of available items at column 5 lines 7 through 21, column 8 lines 28 to 46, and column 11 lines 28 to 34.

Regarding Claim 10, Green discloses an ordering and collection facilitation system according to claim 1, further comprising means for communicating with a supplier terminal an order for new supplies, said order being based on the items selected by users in a predetermined period of time at column 13 lines 1 to 5, and column 16 lines 48 to 53 (Green claim 22).

Regarding Claim 11, Green discloses an ordering and collection facilitation system according to claim 10, wherein said order is communicated by said server at column 13 lines 1 to 5, and column 16 lines 48 to 53 (Green claim 22).

Regarding Claim 13, Green discloses an ordering and collection facilitation system comprising a plurality of ordering and collection facilitation systems according to claim 1, each at a different site, all connected to a master server for accumulating information relating to the quantities of said items ordered at said different sites at column 2 lines 61 and 62, and column 5 lines 52 and 53.

Regarding Claim 14, Green discloses an ordering and collection facilitation system according to claim 1, wherein said selection information comprises the identity and number of the item(s) selected at the user terminal at column 7 lines 13 through 48.

Regarding Claim 15, Green discloses an ordering and collection facilitation system according to claim 1, wherein each of said plurality of portable data storage media contains a unique identifier at column 5 lines 22 to 24, column 10 lines 45 to 47, and in Green claim 5, column 15 lines 33 to 35.

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Regarding Claim 17, Green discloses an ordering and collection facilitation system according to claim 1, wherein said portable data storage medium is a smart card at column 3 lines 13 to 15, column 5 lines 23 and 24.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 18 through 26 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Green in view of Showghi (US Pub. No. 2003/0050854 A1, hereinafter Showghi '854).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 3 above, and further in view of Showghi '854. Green discloses an ordering and collection facilitation system according to claim 3 as previously discussed. Green does not disclose said display located on an operator terminal, said operator terminal also having a reader for reading one of said data storage media. Showghi '854 discloses said display located on an operator terminal, said operator terminal also having a reader for reading one of said data storage media at paragraphs 57 and 72. Additionally, displays located on operator terminals also having readers for reading data storage media are old and well known as evidenced by their presence in virtually every retail location in the form of cash register terminals with display screens and credit card readers.

It would have been obvious to include in Green a display located on an operator terminal as taught by Showghi, in order to enable the merchant to view the items ordered. It would have been further obvious to include in Green an operator terminal also having a reader as taught by Showghi, for reading one of said data storage media to enable the merchant to confirm the customer's identity and ability to pay, and to secure payment and in order to improve the speed of the transaction and allow for more convenient customer pick up of the goods, and to conform to standard commercial practices.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 1 above, and further in view of Showghi '854. Green discloses a method of ordering, and facilitating the collection of, items, said method comprising:

displaying at a user terminal a menu of available items;

allowing a user to select at least one item;

reading a portable data storage medium;

accumulating selection information so as to calculate the total required quantity of said at least one selected item;

displaying a required quantity of said at least one selected item; reading said portable data storage medium;

displaying the identity of said at least one selected item in response to the reading of said portable data storage medium (See column 4 lines 30 to 36, column 7 lines 33 to 35, and column 9 lines 35 to 65 at Green claim 45, column18 lines 30, 62 to 63 and column 19 lines 5 to 7). Green does not disclose preparing a quantity of said at

least one selected item based on said display. Showghi '854 discloses preparing a quantity of said at least one selected item based on said display at paragraph 56. It would have been obvious to include in Green the preparation of a quantity of said at least one selected item based on said display as taught by Showghi in order to facilitate fulfilling the order in Green.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 5, 6, and 18 above, and further in view of Showghi '854 as applied to claim 18 above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 2 and 19 above, and further in view of Showghi '854 as applied to claim 18 above.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 6, 8 and 19 above, and further in view of Showghi '854 as applied to claim 18 above.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 19 above, and further in view of Showghi '854 as applied to claim 18 above, and Showghi '739 as applied to claim 9 above.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 10 and 18 above, and further in view of Showghi '854 as applied to claim 18 above.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 12 and 18 above, and further in view of Showghi '854 as applied to claim 18 above.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 18 above, and further in view of Showghi '854 as applied to claim 18 above and Showghi '739 as applied to claim 16 above.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 1, 13 and 18 above, and further in view of Showghi '854 as applied to claim 18 above.

Claims 7, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Showghi (US Patent No. 6,473,739 B1, hereinafter Showghi '739).

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 6 above, and further in view of Showghi '739.

Regarding Claim 7, Green discloses an ordering and collection facilitation system according to claim 6, as discussed above. Please note that it is inherent that Green includes an operator terminal. Green does not disclose wherein said operator terminal is in at least one-way communication with said server, the system being such that said selection information and said accumulated quantity are communicated to said operator terminal by said server.

Showghi '739 discloses said operator terminal in at least one-way communication with said server, the system being such that said selection information and said accumulated quantity are communicated to said operator terminal by said server at column 4 lines 13 to 24, column 7

lines 43 to 56, and columns 8 line 63 to column 9 line 9. It would have been obvious to modify Green such that the operator terminal is in at least one-way communication with said server, as taught by Showghi. Green discusses the merchant providing the items to customer for pick-up or delivery at column 12 line 66 to column 13 line 8. It would be obvious that the operator terminal of Green is in at least one-way communication with the server as expressly taught by Showghi to ensure that the terminal and server communicate the order received.

Regarding Claim 9, Green discloses an ordering and collection facilitation system according to claim 6 as discussed above. Green does not disclose at least one operator terminal in two-way communication with said server and said operator terminal including means for communicating to said server that said at least one selected item has been collected by a user. Showghi '739 discloses wherein said at least one operator terminal is in two-way communication with said server and said operator terminal further includes means for communicating to said server that said at least one selected item has been collected by a user at column 4 lines 13 to 24, column 7 lines 43 to 56, and columns 8 line 63 to column 9 line 9. It would have been obvious to modify Green such that at least one operator terminal is in twoway communication with said server and said operator terminal further include means for communicating to said server that at least one item has been collected by a user as taught by Showghi. It is an object of Green that the available inventory is updated and the new information conveyed back to the server upon delivery to or pick-up by the user. See Green column 11 lines 30 to 35, and column 12 line 66 through column 13 line 8 and column 13 lines 28 to 35. It would be obvious that the operator terminal of Green be in two-way

receive orders from the server, and communicate the resulting inventory updates to the server upon pick-up by or delivery to the user.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 1 above, and further in view of Showghi '739. Green discloses an ordering and collection facilitation system including portable data storage media according to claim 1. Green also discloses said system wherein each of said portable data storage media contains data relating to payment of an amount of money at column 5 lines 68 to 28. Green does not disclose said amount being reduced when a user confirms a selection of at least one item at said at least one user terminal. Showghi '739 discloses said system wherein each of said portable data storage media contains data relating to an amount of money, said amount being reduced when a user confirms a selection of at least one item at said at least one user terminal at Showghi '739 claim 9. It would have been obvious to modify the portable data storage media containing data relating to an amount of money in Green to include said amount being reduced when a user confirms a selection of at least one item at said user terminal as taught by Showghi. This would conform Green to old and well-known commercial practice of collecting payment by way of a credit or debit card and updating the amount of funds associated with the card.

Regarding Claim 17, as previously discussed, Green discloses an ordering and collection facilitation system according to claim 1, wherein said portable data storage medium is a smart card at column 3 lines 13 to 15, column 5 lines 23 and 24. In the event a smart card

is intended to mean a card containing a microprocessor, Green does not disclose the microprocessor, however, the incorporation of a microprocessor within a smart card is old and well known in the art. It would have been obvious to include in Green the microprocessor smart card in order to expand its memory and allow it to be used to store more information regarding the user.

Claim 12 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Green in view of Wilsford (US Patent No. 6,484,169 B1).

Claim 12 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Green as applied to claim 1 above, and further in view of Wilsford. Green discloses an ordering and collection facilitation system according to claim 1 as previously discussed. Green does not disclose said system connected to the internet to provide downloadable web pages thereto, and operable to update said database in accordance with items selected by users browsing the web pages, said system being further arranged to accumulate the information it receives via the internet with the information it receives from said at least one user terminal. Wilsford discloses said system connected to the internet to provide downloadable web pages thereto, and operable to update said database in accordance with items selected by users browsing the web pages, said system being further arranged to accumulate the information it receives via the internet with the information it receives from said at least one user terminal at column 2 lines 37 to 41 and 62 to 67, and in Wilsford claim 19, column 8 lines 1 to 3.

It would have been obvious to modify Green to include connection to the internet to provide downloadable web pages thereto, and to update the merchant database in accordance

with items selected by users browsing the web pages, said system being further arranged to accumulate the information received via the internet with the information received from said user terminal. This would mean using the internet as the communication means between the user terminal and the server. The motivation to do this is provided in Green at column 5 lines 15 to 21, where the internet is clearly stated as a possible means of communication within the system. Although in Green it is suggested in the context of connecting the merchant and the server, it would be obvious to a person of ordinary skill in the art that the internet could also be used to link the user and server. Allowing access to the user interface of Green via a website in order to improve its accessibility would have been old and well known to a person of ordinary skill in the art at the time the present application was filed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willner, US Pub. No. 2002/0065736 A1; Discusses connecting an organization with its supply vendor systems to facilitate the direct order of goods.

Martschitsch, US Pat. No. 6,764,003 B1; Much more detailed discussion of internal process and method between customer and service terminals.

Conlan, US Pat. No. 5,573,082; Contains user terminal, portable data storage media, and operator display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 703.305.0836. The examiner can normally be reached on M-F, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 703.308.1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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